

103^D CONGRESS
2^D SESSION

S. 1883

To authorize appropriations for the promotion and development of the United States national telecommunications and information infrastructure, and the construction and planning of public broadcasting facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1 (legislative day, FEBRUARY 22), 1994

Mr. INOUE (for himself, Mr. HOLLINGS, Mr. STEVENS, and Mr. DANFORTH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for the promotion and development of the United States national telecommunications and information infrastructure, and the construction and planning of public broadcasting facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Tele-
5 communications and Information Administration Author-
6 ization Act of 1994”.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. FINDINGS.**

3 The Congress finds and declares the following:

4 (1) A strong commitment to building the na-
5 tional telecommunications and information infra-
6 structure will promote economic growth, aid the Na-
7 tion's competitiveness, and increase the national
8 standard of living.

9 (2) A telecommunications and information in-
10 frastructure initiative that complements private sec-
11 tor efforts is in the national interest.

12 (3) Private sector investments in the United
13 States telecommunications and information infra-
14 structure do not supplant the Federal role in fund-
15 ing demonstration projects in which advanced tele-
16 communications capabilities are used to aid the de-
17 livery of critical social services, such as education
18 and health care (particularly in rural areas), tradi-
19 tionally supported by government.

20 (4) Government funding of demonstrations and
21 pilot projects of telecommunications and information
22 infrastructure applications for health care providers,
23 educational institutions, research facilities, State and
24 local governments, public safety services, libraries,
25 and other social service and public information pro-

1 viders can serve as a catalyst in promoting increased
2 private sector investment in, and continued develop-
3 ment of, the national telecommunications and infor-
4 mation infrastructure.

5 (5) Federal assistance in the promotion of the
6 national telecommunications and information infra-
7 structure will use a wide range of technologies, in-
8 cluding but not limited to broadcast, fiber optic
9 cable, coaxial cable, satellite systems, and microwave
10 systems.

11 (6) Providing assistance to help eligible entities
12 connect to existing and developing telecommuni-
13 cations networks and information services is in the
14 public interest.

15 (7) The development of an advanced tele-
16 communications and information infrastructure can
17 improve and extend the training of rural health pro-
18 fessionals and the continuity of patient care in rural
19 areas.

20 (8) There are tremendous information resources
21 in the Nation, but the benefits of an advanced tele-
22 communications and information infrastructure will
23 be enhanced when both urban and rural citizens of
24 the United States have reasonable access to such ex-
25 isting and future information resources.

1 (9) Federal support of public broadcasting has
2 helped provide valuable and useful educational and
3 cultural programs that reach nearly all citizens of
4 the United States.

5 (10) The Federal Government shall ensure that
6 all citizens of the United States have access to pub-
7 lic telecommunications services through all appro-
8 priate available telecommunications distribution
9 technologies.

10 (11) Public telecommunications entities and
11 services constitute valuable local community re-
12 sources for utilizing electronic media to address na-
13 tional concerns and solve local problems through
14 community programs.

15 (12) It is in the public interest to encourage
16 partnerships to adapt technologies to public service
17 uses in a cost-effective manner, utilizing and main-
18 taining existing facilities where appropriate and ef-
19 fective, and to avoid duplicate services or capacities
20 which are currently provided by public telecommuni-
21 cations and information entities.

22 **SEC. 102. PURPOSE.**

23 (a) IN GENERAL.—To facilitate the development of
24 the national telecommunications and information infra-
25 structure, the Secretary of Commerce is authorized to es-

1 tablish and maintain two separate assistance programs, a
2 program for telecommunications and information infra-
3 structure projects as described in subsection (b) and a pro-
4 gram for public broadcasting projects as described in sub-
5 section (c).

6 (b) TELECOMMUNICATIONS AND INFORMATION IN-
7 FRASTRUCTURE PROGRAM.—The Telecommunications
8 and Information Infrastructure Program shall focus on
9 promoting the widespread availability of advanced tele-
10 communications technologies to—

11 (1) enhance the delivery of diverse social serv-
12 ices, including education and health care, to the pub-
13 lic (particularly in rural areas); and

14 (2) support the formation of a nationwide, mul-
15 timedia, high-speed, interactive infrastructure of var-
16 ied information technologies through interconnection
17 and improvement.

18 (c) PUBLIC BROADCASTING FACILITIES PROGRAM.—
19 The purpose of the Public Broadcasting Facilities Pro-
20 gram is to assist, through matching grants, in the plan-
21 ning and construction of public broadcasting facilities in
22 order to achieve the following objectives:

23 (1) Extend delivery of public broadcasting serv-
24 ices to as many citizens of the United States as pos-
25 sible by the most efficient and economical means, in-

1 cluding broadcast, fiber optic cable, coaxial cable,
2 satellite systems, and microwave systems.

3 (2) Increase public broadcasting services and
4 facilities available to, operated by, and owned by mi-
5 norities, Native Americans, and women.

6 (3) Strengthen the capability of existing public
7 broadcasting entities to provide public broadcasting
8 services to the public.

9 **TITLE II—TELECOMMUNICATIONS AND**
10 **INFORMATION INFRASTRUCTURE**

11 **SEC. 201. ASSISTANCE FOR TELECOMMUNICATIONS AND IN-**
12 **FORMATION INFRASTRUCTURE DEVELOP-**
13 **MENT.**

14 (a) IN GENERAL.—The National Telecommuni-
15 cations and Information Administration Organization Act
16 is amended—

17 (1) by redesignating part C as part D; and

18 (2) by inserting immediately after part B the
19 following new part:

1 **“PART C—ASSISTANCE FOR TELECOMMUNI-**
2 **CATIONS AND INFORMATION INFRASTRUC-**
3 **TURE DEVELOPMENT**

4 **“SEC. 121. ASSISTANCE FOR TELECOMMUNICATIONS AND**
5 **INFORMATION INFRASTRUCTURE DEVELOP-**
6 **MENT.**

7 “(a) PURPOSE.—The purpose of this section is to as-
8 sist, through matching grants, the development of a na-
9 tional telecommunications and information infrastructure,
10 by the most efficient and economical means. The objec-
11 tives of these grants are to—

12 “(1) expand telecommunications networks or
13 systems for health care providers, educational insti-
14 tutions, research facilities, libraries, museums, State
15 and local governments, public safety services, and
16 other social service and public information providers;

17 “(2) enhance the ability, through infrastructure
18 interconnection, of health care providers, educational
19 institutions, research facilities, libraries, museums,
20 State and local governments, public safety services,
21 and other social service and public information pro-
22 viders to access existing and new sources of informa-
23 tion;

24 “(3) improve the efficiency and effectiveness of
25 the delivery of social services, such as education and

1 health care, to both urban and rural citizens of the
2 United States;

3 “(4) promote innovation in the use of tele-
4 communications services and technologies by sup-
5 porting telecommunications demonstration projects
6 in the delivery of social services, particularly to rural
7 and underserved populations; and

8 “(5) increase the professional productivity, per-
9 sonal growth, and quality of life for all citizens of
10 the United States, especially traditionally under-
11 served populations thereof, through efficient access
12 to information.

13 “(b) CRITERIA.—(1) The Secretary shall base deter-
14 minations on whether to approve a grant under this sec-
15 tion, and (subject to paragraph (2)) the amount of such
16 grant, on finding that the project to be funded by the
17 grant would advance one or more of the following goals:

18 “(A) The enhancement of the telecommuni-
19 cations and information infrastructure for health
20 care providers, educational institutions, research fa-
21 cilities, libraries, museums, State and local govern-
22 ments, public safety services, and other social service
23 and public information providers.

24 “(B) The promotion of accessibility to, and uni-
25 versal utilization of, telecommunications and infor-

1 mation infrastructure for both urban and rural citi-
2 zens of the United States, especially traditionally un-
3 derserved populations.

4 “(C) The development and increased use of
5 telecommunications and information infrastructure,
6 especially for education, health care, research, public
7 safety, and other social and public information serv-
8 ice providers, with demonstration projects.

9 “(D) The promotion of infrastructure inter-
10 connection and interoperability.

11 “(E) The evaluation and demonstration of the
12 efficiency and efficacy of innovative telecommuni-
13 cations facilities, systems, or networks in the provi-
14 sion of education, health care, public safety services,
15 and other social and public information services.

16 “(2) The amount of the grant under this section shall
17 not exceed 50 percent of the amount determined by the
18 Secretary to be the reasonable and necessary cost of the
19 project to be funded, except that the Secretary may pro-
20 vide a grant in an amount between 50 and 75 percent
21 of such cost if the Secretary determines that extraordinary
22 circumstances warrant.

23 “(c) APPLICATIONS FOR GRANTS.—For each project
24 proposed pursuant to this section there shall be submitted
25 to the Secretary an application for a grant containing such

1 information with respect to such project as the Secretary
2 may require. Each applicant shall also provide assurances
3 satisfactory to the Secretary that—

4 “(1) the applicant is capable of creating, oper-
5 ating, and maintaining the facilities, systems, or net-
6 works that are the subject of the application;

7 “(2) necessary funds to create, operate, and
8 maintain such facilities, systems, or networks will be
9 available when needed;

10 “(3) the applicant has participated in com-
11 prehensive planning for such facilities, systems, or
12 networks that includes an evaluation of alternative
13 technologies and coordination with appropriate Fed-
14 eral or State agencies, as needed;

15 “(4) the applicant has not failed to utilize com-
16 mercially available network services to meet its com-
17 munications or information needs to the extent such
18 commercial services meet the needs of the applicant
19 in the most efficient and economical manner;

20 “(5) the applicant will make efficient use of the
21 grant;

22 “(6) the applicant is—

23 “(A) a nonprofit foundation, corporation,
24 institution, or association;

1 “(B) a State or local government (or any
2 agency thereof), or a political or special purpose
3 subdivision of a State or local government; or

4 “(C) any enterprise owned and operated by
5 a State or local government entity; and

6 “(7) the applicant will use any facility, system,
7 or network obtained with funds provided under this
8 section primarily to achieve objectives identified in
9 the application and will comply with regulations pre-
10 scribed by the Secretary with respect to resale of
11 any capacity of such facility, system, or network.

12 “(d) TRAINING AND PLANNING.—(1) The Secretary
13 may fund necessary and reasonable expenses needed for
14 training in the operation of the facilities, systems, or net-
15 works developed pursuant to this section, except that such
16 expenditures shall be authorized only for a period not to
17 exceed 1 year after close-out of the grant for the tele-
18 communications and information infrastructure project
19 funded under this section.

20 “(2) The Secretary may provide up to 100 percent
21 of the cost of planning projects or studies that will pro-
22 mote the development or enhancement of the national tele-
23 communications and information infrastructure. Any
24 plans or studies conducted by or for any grant recipient
25 under this section shall be provided to the Secretary. An

1 applicant for a planning grant shall provide such informa-
2 tion with respect to such project as the Secretary may re-
3 quire and shall provide assurances satisfactory to the Sec-
4 retary that the applicant meets the requirements of sub-
5 section (c)(6).

6 “(e) REGULATIONS.—The Secretary shall establish
7 such regulations as may be necessary to carry out this
8 section, including regulations relating to the order of pri-
9 ority to be used in approving applications and relating to
10 determining the amount of each grant for such projects.
11 As part of such regulations, the Secretary shall provide
12 a preference in the award of assistance for projects that
13 increase utilization and efficiency of existing telecommuni-
14 cations and information facilities. The Secretary shall seek
15 the views of the Secretary of Education, the Secretary of
16 Health and Human Services, the Federal Communications
17 Commission, and the Director of the National Science
18 Foundation in developing the regulations authorized under
19 this section. Such regulations shall include any regulations
20 determined by the Secretary to be necessary for purposes
21 of subsection (c)(7) to prevent any recipient of funds
22 under this section from using commercial resale of excess
23 capacity to compete unfairly with providers of tele-
24 communications services.

1 “(f) SPECIAL CONSIDERATION.—In establishing cri-
2 teria for grants pursuant to this section, and in establish-
3 ing procedures relating to the order of priority established
4 in subsection (e) in approving applications for grants, the
5 Secretary shall give special consideration to applications
6 that would—

7 “(1) increase participation by minorities, Native
8 Americans, individuals with disabilities, women, and
9 other underserved populations in the ownership of,
10 operation of, and access to, telecommunications and
11 information infrastructure, the Secretary shall take
12 affirmative steps to inform minorities, Native Ameri-
13 cans, individuals with disabilities, women, and other
14 underserved populations of the availability of funds
15 under this section, and to provide such other assist-
16 ance and information as may be appropriate; and

17 “(2) avoid duplication with existing facilities
18 and services.

19 “(g) MERITORIOUS APPLICATION.—The Secretary
20 shall consider meritorious an application for a grant—

21 “(1) to establish an integrated operational and
22 educational telecommunications network among
23 United States science centers and other users;

24 “(2) to establish comprehensive, interactive ex-
25 hibits which enable visitors to participate in the use

1 of such a telecommunications network, using voice,
2 data, or video connections with other sites on the
3 network; and

4 “(3) by an applicant that, as of January 1,
5 1994, is an existing science museum in the process
6 of planning a major new science museum facility to
7 be located in a historically significant structure lo-
8 cated in a metropolitan area near the geographic
9 center of the United States.

10 “(h) RECOVERY OF FUNDS.—If, within 5 years after
11 completion of any project with respect to which a grant
12 has been made under this section—

13 “(1) the applicant or other owner of such facili-
14 ties or infrastructure ceases to be an agency, institu-
15 tion, foundation, corporation, association, or other
16 entity described in subsection (c)(6); or

17 “(2) such facilities or infrastructure cease to be
18 used primarily for the intended purposes of the
19 grant project;

20 the United States shall be entitled to recover from the ap-
21 plicant or other owner of such facilities the amount bear-
22 ing the same ratio to the value of such facilities at the
23 time the applicant ceases to be such an entity or at the
24 time of such determination (as determined by agreement
25 of the parties or by action brought in the United States

1 district court for the district in which such facilities are
2 situated), as the amount of the Federal participation bore
3 to the cost of construction of such facilities.

4 “(i) RECORDKEEPING REQUIREMENTS.—Each recip-
5 ient of assistance under this section shall keep such
6 records as may be reasonably necessary to enable the Sec-
7 retary to carry out the functions of the Secretary under
8 this section, including a complete and itemized inventory
9 of all telecommunications and information infrastructure,
10 systems, or networks under the control of such recipient
11 procured with funds authorized under this section; and
12 records which fully disclose the amount and the disposition
13 by such recipient of the proceeds of such assistance, the
14 total cost of the project in connection with which such as-
15 sistance is given or used, the amount and nature of that
16 portion of the cost of the project supplied by other sources,
17 and such other records as will facilitate an effective audit.

18 “(j) ACCESSIBILITY OF RECORDS.—The Secretary
19 and the Comptroller General of the United States, or any
20 of their duly authorized representatives, shall have access
21 for the purpose of audit and examination to any books,
22 documents, papers, and records of any recipient of assist-
23 ance under this section that are pertinent to assistance
24 received under this section.

1 “(k) DUTY TO MONITOR.—The Secretary shall mon-
2 itor and evaluate selected projects, to determine whether
3 such projects fulfill the objectives of this section. The Sec-
4 retary shall evaluate the activities of this assistance pro-
5 gram to assure that it is fulfilling its goals and objectives.
6 The Secretary shall develop criteria for evaluations pursu-
7 ant to subsection (e).

8 “(l) CLEARINGHOUSES.—(1) In carrying out the re-
9 quirements of subsection (k), and in collecting studies pur-
10 suant to subsection (d), the Secretary shall provide for the
11 collection and dissemination of information concerning
12 distance learning. The Secretary shall maintain informa-
13 tion on distance learning providers; receive, review, and
14 analyze reports of different distance learning activities;
15 and publish periodically a compilation of the reports sub-
16 mitted and such analysis.

17 “(2) In carrying out the requirements of subsection
18 (k), and in collecting studies pursuant to subsection (d),
19 the Secretary shall provide for the collection and dissemi-
20 nation of information concerning telemedicine projects.
21 The Secretary shall maintain information on telemedicine
22 projects, receive, review, and analyze reports of different
23 telemedicine activities, and publish periodically a compila-
24 tion of the reports submitted and such analysis.

1 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for fiscal year 1994
3 \$51,000,000, for fiscal year 1995 \$100,000,000, for fiscal
4 year 1996 \$150,000,000, and for each of the fiscal years
5 1997 and 1998 such sums as may be necessary, to be used
6 by the Secretary to assist in the infrastructure inter-
7 connection, or development of telecommunications and in-
8 formation infrastructure, as provided in this section. Sums
9 appropriated under this section for any fiscal year shall
10 remain available until expended, for payment of grants for
11 projects for which applications approved by the Secretary,
12 pursuant to this section, have been submitted within any
13 fiscal year; and for further implementation of this section.
14 Sums appropriated under this section may be used by the
15 Secretary to cover the direct and indirect costs of admin-
16 istering the provisions of this section, for evaluating the
17 effectiveness of the program and projects funded pursuant
18 to this section, and for other related activities.”.

19 (b) DEFINITIONS IN NTIAO ACT.—Section 102(a) of
20 the National Telecommunications and Information Ad-
21 ministration Organization Act is amended by adding at
22 end the following new paragraphs:

23 “(6) The term ‘construction’ means acquisition
24 (including acquisition by lease), installation, and
25 modernization of public broadcasting facilities and

1 planning and preparatory steps incidental to any
2 such acquisition, installation, or modernization.

3 “(7) The term ‘infrastructure interconnection’
4 means an association of transmission channels or
5 telecommunication circuits, switching units, or other
6 equipment to provide the means of a transfer of sig-
7 nals between two or more points in an interconnec-
8 tion system or a telecommunications network or net-
9 works.

10 “(8) The term ‘interconnection system’ means
11 any system of interconnection facilities used for the
12 distribution of programs to public telecommuni-
13 cations entities.

14 “(9) The term ‘nonprofit’ (as applied to any
15 foundation, corporation, association, institution, or
16 other organization) means a foundation, corporation,
17 association, institution, or organization, no part of
18 whose net earnings inures, or may lawfully inure, to
19 the benefit of any private shareholder or individual.

20 “(10) The term ‘public broadcasting entity’
21 means the Corporation for Public Broadcasting, any
22 licensee or permittee of a public broadcast station,
23 or any nonprofit institution engaged primarily in the
24 production, acquisition, distribution, or dissemina-
25 tion of educational or cultural television or radio

1 programs and related noncommercial instructional
2 and informational material.

3 “(11) The term ‘public broadcasting facilities’
4 means telecommunications and related equipment
5 necessary for the provision of public broadcasting
6 services, except that such term does not include the
7 buildings to house such apparatus (other than small
8 equipment shelters that are part of satellite earth
9 stations, translators, microwave interconnection fa-
10 cilities, and similar facilities.

11 “(12) The term ‘public broadcasting services’
12 means the production, acquisition, distribution, or
13 dissemination of noncommercial, educational, or cul-
14 tural television or radio programs and related non-
15 commercial, instructional, and informational mate-
16 rial disseminated by public broadcasting entities.

17 “(13) The term ‘State’ includes the District of
18 Columbia, Puerto Rico, the Virgin Islands, Guam,
19 American Samoa, the Northern Mariana Islands,
20 and the Trust Territory of the Pacific Islands.

21 “(14) The term ‘telecommunications and infor-
22 mation infrastructure’ means the hardware and op-
23 erating software necessary to produce, transmit, re-
24 ceive, store, or distribute analog or digital signals for
25 voice, data, graphics, text, or video.”.

1 **TITLE III—ASSISTANCE FOR PUBLIC**
2 **BROADCASTING FACILITIES**

3 **SEC. 301. ASSISTANCE FOR PLANNING AND CONSTRUCTION**
4 **OF PUBLIC BROADCASTING FACILITIES.**

5 (a) TECHNICAL AMENDMENTS.—(1) The heading to
6 part IV of the Communications Act of 1934 (47 U.S.C.
7 390 et seq.) is amended to read as follows:

8 **“PART IV—ASSISTANCE FOR PUBLIC BROAD-**
9 **CASTING FACILITIES; NATIONAL ENDOW-**
10 **MENT FOR CHILDREN’S EDUCATIONAL TELE-**
11 **VISION; CORPORATION FOR PUBLIC BROAD-**
12 **CASTING”.**

13 (2) The heading to subpart A of such part IV is amend-
14 ed by striking “TELECOMMUNICATIONS” and inserting in
15 lieu thereof “BROADCASTING”.

16 (b) DECLARATION OF PURPOSE.—Section 390 of the
17 Communications Act of 1934 (47 U.S.C. 390) is amend-
18 ed—

19 (1) by striking “telecommunications” each place
20 it appears and inserting in lieu thereof “broadcast-
21 ing”;

22 (2) by striking “including the use of broadcast
23 and nonbroadcast technologies;” and inserting in
24 lieu thereof “including broadcast, fiber optic cable,

1 coaxial cable, satellite systems, and microwave sys-
2 tems;” and

3 (3) by striking “television and radio stations”
4 and inserting in lieu thereof “broadcasting entities”.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
6 391 of the Communications Act of 1934 (47 U.S.C. 391)
7 is amended—

8 (1) by striking each of the fiscal years “1992,
9 1993, and 1994” and inserting in lieu thereof “1995
10 and 1996”; and

11 (2) by striking “telecommunications” and in-
12 serting in lieu thereof “broadcasting”.

13 (b) GRANTS FOR CONSTRUCTION.—(1) Section
14 392(a) of the Communications Act of 1934 (47 U.S.C.
15 392(a)) is amended—

16 (A) by striking, “, and a 5-year plan” and all
17 that follows in the first sentence through “such fa-
18 cilities requirements”;

19 (B) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) the applicant is (A) a public broadcast sta-
22 tion; (B) a system of public broadcasting entities;
23 (C) a nonprofit foundation, corporation, institution,
24 or association organized primarily for educational or
25 cultural purposes; or (D) a State or local govern-

1 ment (or any agency thereof), or a political or spe-
2 cial purpose subdivision of a State;” and

3 (C) by striking “telecommunications” each
4 place it appears and inserting in lieu thereof “broad-
5 casting”.

6 (2) Section 392(b) of the Communications Act of
7 1934 (47 U.S.C. 392(b)) is amended by striking “tele-
8 communications” and inserting in lieu thereof “broadcast-
9 ing”.

10 (3) Section 392(c) of the Communications Act of
11 1934 (47 U.S.C. 392(c)) is amended by striking “eligible”
12 and inserting in lieu thereof “eligibility”.

13 (4) Section 392(e) of the Communications Act of
14 1934 (47 U.S.C. 392(e)) is amended—

15 (A) by inserting “or planning” immediately
16 after “construction”; and

17 (B) by striking “rules and” each place it ap-
18 pears.

19 (5) Section 392(f) of the Communications Act of
20 1934 (47 U.S.C. 392(f)) is amended to read as follows:

21 “(f) In establishing criteria for grants pursuant to
22 section 393, and in establishing procedures relating to the
23 order of priority established in subsection (e) in approving
24 applications for grants, the Secretary shall give special
25 consideration to applications which would increase partici-

1 pation by minorities, Native Americans, women, and popu-
2 lations traditionally underserved in the ownership of, and
3 operation of, public broadcasting entities. The Secretary
4 shall take affirmative steps to inform minorities, Native
5 Americans, women, and underserved populations of the
6 availability of funds under this subpart, and the localities
7 where new public broadcasting facilities are needed, and
8 to provide such other assistance and information as may
9 be appropriate.”.

10 (6) Section 392(g) of the Communications Act of
11 1934 (47 U.S.C. 392(g)) is amended—

12 (A) in the introductory matter, by striking “10
13 years after completion of any project for construc-
14 tion of public telecommunications facilities” and in-
15 serting in lieu thereof “5 years (or, if the Secretary
16 so determines, 10 years) after completion of any
17 project for construction of facilities,”;

18 (B) in paragraph (1), by striking “agency, in-
19 stitution, foundation, corporation, association or
20 other”; and

21 (C) in paragraph (2), by striking “telecommuni-
22 cations” each place it appears and inserting in lieu
23 thereof “broadcasting”.

24 (7) Section 392(h) of the Communications Act of
25 1934 (47 U.S.C. 392(h)) is amended by striking “tele-

1 communications” and inserting in lieu thereof “broadcast-
2 ing”.

3 (8) Section 392 of the Communications Act of 1934
4 (47 U.S.C. 392) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(j) Section 2301.16(a)(2) of title 15, Code of Fed-
7 eral Regulations, as in effect on March 1, 1994, and any
8 successor regulation thereto, shall not apply to any grant
9 awarded to any consortium of Indian post-secondary edu-
10 cational institutions under this section or section 121 of
11 the National Telecommunications and Information Ad-
12 ministration Organization Act.”.

13 (e) CRITERIA FOR APPROVAL AND EXPENDITURES
14 BY SECRETARY.—(1) Section 393(a) of the Communica-
15 tions Act of 1934 (47 U.S.C. 393 (a)) is amended by strik-
16 ing “telecommunications” and inserting in lieu thereof
17 “broadcasting”.

18 (2) Section 393(b) of the Communications Act of
19 1934 (47 U.S.C. 393(b)) is amended—

20 (A) in paragraph (1)—

21 (i) by striking “provision of new tele-
22 communications facilities” and inserting in lieu
23 thereof “establishment of new public broadcast-
24 ing facilities”; and

1 (ii) by striking “telecommunications serv-
2 ices” and inserting in lieu thereof “broadcasting
3 services”;

4 (B) by striking paragraph (2) and inserting in
5 lieu thereof the following:

6 “(2) the improvement of the capabilities of ex-
7 isting public broadcasting entities to provide public
8 broadcasting services, including services to under-
9 served audiences such as deaf and hearing impaired
10 individuals and blind and visually impaired individ-
11 uals;”;

12 (C) in paragraph (3)—

13 (i) by striking “telecommunications” and
14 inserting in lieu thereof “broadcasting”; and

15 (ii) by striking “and” at the end; and

16 (D) by striking paragraph (4) and inserting in
17 lieu thereof the following new paragraphs:

18 “(4) the expansion of the service areas or pro-
19 duction capabilities of existing public broadcasting
20 entities; and

21 “(5) the replacement of existing equipment.”.

22 (f) LONG-RANGE PLANNING FOR FACILITIES.—Sec-
23 tion 393A of the Communications Act of 1934 (47 U.S.C.
24 393a) is amended by striking “telecommunications” each

1 place it appears and inserting in lieu thereof “broadcast-
2 ing”.

3 **SEC. 302. DEFINITIONS.**

4 (a) CONSTRUCTION.—Section 397(1) of the Commu-
5 nications Act of 1934 (47 U.S.C. 397(1)) is amended—

6 (1) by striking “(as applied to public tele-
7 communications facilities)”;

8 (2) by striking “telecommunications” and in-
9 serting in lieu thereof “broadcasting”.

10 (b) NONPROFIT.—Section 397(8) of the Communica-
11 tions Act of 1934 (47 U.S.C. 397(8)) is amended to read
12 as follows:

13 “(8) The term ‘nonprofit’ (as applied to any
14 foundation, corporation, association, institution, or
15 other organization) means a foundation, corporation,
16 association, institution, or organization, no part of
17 whose net earnings inures, or may lawfully inure, to
18 the benefit of any private shareholder or individ-
19 ual.”.

20 (c) PUBLIC BROADCASTING ENTITY.—Section
21 397(11) of the Communications Act of 1934 (47 U.S.C.
22 397(11)) is amended to read as follows:

23 “(11) The term ‘public broadcasting entity’
24 means the Corporation for Public Broadcasting, any
25 licensee or permittee of a public broadcast station,

1 or any nonprofit institution engaged primarily in the
2 production, acquisition, distribution, or dissemina-
3 tion of educational or cultural television or radio
4 programs and related noncommercial instructional
5 and informational material.”.

6 (d) INFRASTRUCTURE INTERCONNECTION.—Section
7 397 of the Communications Act of 1934 (47 U.S.C. 397)
8 is amended by adding at the end the following new para-
9 graph:

10 “(18) The term ‘infrastructure interconnection’
11 means an association of transmission channels or
12 telecommunication circuits, switching units, or other
13 equipment to provide the means of a transfer of sig-
14 nals between two or more points in an interconnec-
15 tion system or a telecommunications network or net-
16 works.”.

17 (e) PUBLIC BROADCASTING FACILITIES.—Section
18 397 of the Communications Act of 1934 (47 U.S.C. 397),
19 as amended by this section, is further amended by adding
20 at the end the following new paragraph:

21 “(19) The term ‘public broadcasting facilities’
22 means telecommunications and related equipment
23 necessary for the provision of public broadcasting
24 services, except that such term does not include the
25 buildings to house such apparatus (other than small

1 equipment shelters that are part of satellite earth
2 stations, translators, microwave interconnection fa-
3 cilities, and similar facilities).”.

4 (f) PUBLIC BROADCASTING SERVICES.—Section 397
5 of the Communications Act of 1934 (47 U.S.C. 397), as
6 amended by this section, is further amended by adding
7 at the end the following new paragraph:

8 “(20) The term ‘public broadcasting services’
9 means the production, acquisition, distribution, or
10 dissemination of noncommercial, educational, or cul-
11 tural television or radio programs and related non-
12 commercial, instructional, and informational mate-
13 rial, disseminated by public broadcasting entities.”.

14 (g) TELECOMMUNICATIONS AND INFORMATION IN-
15 FRASTRUCTURE.—Section 397 of the Communications Act
16 of 1934 (47 U.S.C. 397), as amended by this section, is
17 further amended by adding at the end the following new
18 paragraph.

19 “(21) The term ‘telecommunications and infor-
20 mation infrastructure’ means the hardware and op-
21 erating software necessary to produce, transmit, re-
22 ceive, store, or distribute analog or digital signals for
23 voice, data graphics, text, or video.”.

1 **TITLE IV—NATIONAL TELECOMMUNI-**
2 **CATIONS AND INFORMATION ADMINIS-**
3 **TRATION**

4 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) AUTHORIZATION.—Section 151 of the National
6 Telecommunications and Information Administration Or-
7 ganization Act is amended by striking “\$17,600,000 for
8 fiscal year 1992 and \$17,900,000 for fiscal year 1993”
9 and inserting in lieu thereof “\$21,927,000 for fiscal year
10 1994, \$24,000,000 for fiscal year 1995, and \$26,000,000
11 for fiscal year 1996”.

12 (b) TECHNICAL AMENDMENT.—Section 105(c)(2) of
13 the National Telecommunications and Information Ad-
14 ministration Organization Act is amended by adding at
15 the end the following: “Notwithstanding any other provi-
16 sion of law, the Secretary is authorized to retain and use
17 all funds transferred, or previously transferred, from other
18 Government agencies for all costs incurred in tele-
19 communications research, engineering, and related activi-
20 ties by the Institute of Telecommunications Sciences of
21 the NTIA in furtherance of its assigned functions under
22 this section. Without further appropriations action, such
23 funds received from other Government agencies shall re-
24 main available until expended.”.

1 **TITLE V—NATIONAL ENDOWMENT FOR**
2 **CHILDREN’S EDUCATIONAL TELEVISION**

3 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

4 Subsection (h) of section 394 of the Communications
5 Act of 1934 (47 U.S.C. 394) is amended to read as fol-
6 lows:

7 “(h) There are authorized to be appropriated
8 \$6,000,000 for each of the fiscal years 1995 and 1996,
9 to be used by the Secretary to carry out the provisions
10 of this section. Sums appropriated under this subsection
11 for any fiscal year shall remain available for contracts and
12 grants for projects for which applications approved under
13 this section have been submitted within one year after the
14 last day of such fiscal year.”.

15 **TITLE VI—PEACESAT PROGRAM**

16 **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

17 The first sentence of section 2(d) of the Act entitled
18 “An Act to authorize appropriations for activities of the
19 National Telecommunications and Information Adminis-
20 tration for fiscal years 1990 and 1991”, approved Novem-
21 ber 15, 1990 (Public Law 101–555; 104 Stat. 2758), is
22 amended by striking “\$400,000 for fiscal year 1992 and
23 \$1,500,000 for fiscal year 1993” and inserting in lieu
24 thereof “\$1,500,000 for each of the fiscal years 1994 and
25 1995”.



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